

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

# United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: COMMUNICATION SYSTEM WITH MULTICARRIER TELEPHONY TRANSPORT.

The specification of which was filed on June 28, 1996 as application serial no. 08/673,002 and was amended on September 24, 1996.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 10 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such applications have been filed.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

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Application Number	Filing Date	Status
08/311,964	September 26, 1994	Allowed
08/457,317	June 1, 1995	Pending
08/457,295	June 1, 1995	Pending
08/650,408	May 20, 1996	Pending

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Embretson, Janet E.	Reg. No. 39,665	Lempia, Bryan J.	Reg. No. 39,746
Bianchi, Timothy E.	Reg. No. 39,610	Fogg, David N.	Reg. No. 35,138	Litman, Mark A.	Reg. No. 26,390
Billig, Patrick G.	Reg. No. 38,080	Forrest, Bradley A.	Reg. No. 30,837	Lundberg, Steven W.	Reg. No. 30,568
Billion, Richard E.	Reg. No. 32,836	Holloway, Sheryl S.	Reg. No. 37,850	Schwegman, Micheal L.	Reg. No. 25,816
Brennan, Thomas F.	Reg. No. 35,075	Kalinowski, Leonard J.	Reg. No. 24,207	Slifer, Russell D.	Reg. No. 39,838
Burke, John E.	Reg. No. 35,836	Klima-Silberg, Catherine I.	Reg. No. 40,052	Viksnins, Ann S.	Reg. No. 37,748
Clark, Barbara J.	Reg. No. 38,107	Kluth, Daniel J.	Reg. No. 32,146	Woessner, Warren D.	Reg. No. 30,440
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P.O. Box 2938, Minneapolis, MN 55402  
Telephone No. (612)339-0331

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Mark J. Dapper

Date: \_\_\_\_\_

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Date: \_\_\_\_\_

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Terrance J. Hill

Date: \_\_\_\_\_

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Full Name of joint inventor number 4: **Harold A. Roberts**  
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Signature: \_\_\_\_\_

Harold A. Roberts

Date: \_\_\_\_\_

X Additional inventors are being named on separately numbered sheets, attached hereto.

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Brian D. Anderson

Full Name of joint inventor number 6: Jeffrey Brede  
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Jeffrey Brede

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Full Name of joint inventor number 7 : **Mark S. Wadman**  
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Full Name of joint inventor number 8 : **Robert J. Kirscht**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
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Full Name of joint inventor number 9 : James J. Herrmann  
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Heng Lou

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**Adam Opoczynski**

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Full Name of joint inventor number 28 : Joseph F. Chiappetta  
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Post Office Address: 6 Ranch Drive  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Joseph F. Chiappetta

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Full Name of joint inventor number 29 : Scott Sarnikowski  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Scott Sarnikowski

Full Name of inventor:  
Citizenship: \_\_\_\_\_ Residence: \_\_\_\_\_  
Post Office Address: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of inventor:  
Citizenship: \_\_\_\_\_ Residence: \_\_\_\_\_  
Post Office Address: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of inventor:  
Citizenship: \_\_\_\_\_ Residence: \_\_\_\_\_  
Post Office Address: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

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Full Name of joint inventor number 4 : **Harold A. Roberts**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**James J. Herrmann**

Full Name of joint inventor number 10 : **Michael J. Fort**  
Citizenship: **United States of America** Residence: **Eagan, MN**  
Post Office Address: **1045 Northview Park**  
**Eagan, MN 55123**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Michael J. Fort**

Full Name of joint inventor number 11 : **Steven P. Buska**  
Citizenship: **United States of America** Residence: **Minnetonka, MN**  
Post Office Address: **13370 Stanton Drive**  
**Minnetonka, MN 55305**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Steven P. Buska**

Full Name of joint inventor number 12 : **Jeff Solum**  
Citizenship: **United States of America** Residence: **Bloomington, MN**  
Post Office Address: **4900 West 78th Street**  
**Bloomington, MN 55435**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Jeff Solum**

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 13 : Debra Lea Enfield  
Citizenship: United States of America Residence: Chaska, MN  
Post Office Address: 464 Ridge Court  
Chaska, MN 55318

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Debra Lea Enfield

Full Name of joint inventor number 14 : Darrell Berg  
Citizenship: United States of America Residence: Bloomington, MN  
Post Office Address: 4900 West 78th Street  
Bloomington, MN 55435

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Darrell Berg

Full Name of joint inventor number 15 : Thomas Smigelski  
Citizenship: United States of America Residence: Lake Zurich, IL  
Post Office Address: 230 Waterford Drive  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Thomas Smigelski

Full Name of joint inventor number 16 : Thomas C. Tucker  
Citizenship: United States of America Residence: Chapel Hill, NC  
Post Office Address: 205 Silver Creek Trail  
Chapel Hill, NC 27514

Signature: Thomas C. Tucker Date: 1/27/97

X Additional inventors are being named on separately numbered sheets, attached hereto.



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Full Name of joint inventor number 17: Joe Hall

Citizenship: United States of America

Residence: Bloomington, MN

Post Office Address: 4900 West 78th Street  
Bloomington, MN 55435

Signature: \_\_\_\_\_

Joe Hall

Date: \_\_\_\_\_

Full Name of joint inventor number 18: John M. Logajan

Citizenship: United States of America

Residence: Arden Hills, MN

Post Office Address: 4248 Hamline Avenue  
Arden Hills, MN 55112

Signature: \_\_\_\_\_

John M. Logajan

Date: \_\_\_\_\_

Full Name of joint inventor number 19: Somvay Boulouang

Citizenship: United States of America

Residence: Bloomington, MN

Post Office Address: 4900 West 78th Street  
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Signature: \_\_\_\_\_

Somvay Boulouang

Date: \_\_\_\_\_

Full Name of joint inventor number 20: Heng Lou

Citizenship: United States of America

Residence: Bloomington, MN

Post Office Address: 4900 West 78th Street  
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Signature: \_\_\_\_\_

Heng Lou

Date: \_\_\_\_\_

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Full Name of joint inventor number 21 : **Mark D. Elpers**  
Citizenship: **United States of America** Residence: **Elk River, MN**  
Post Office Address: **16303 205th Avenue NW**  
**Elk River, MN 55330**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Mark D. Elpers**

Full Name of joint inventor number 22 : **Matt Downs**  
Citizenship: **United States of America** Residence: **Bloomington, MN**  
Post Office Address: **4900 West 78th Street**  
**Bloomington, MN 55435**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Matt Downs**

Full Name of joint inventor number 23 : **Tammy Ferris**  
Citizenship: **United States of America** Residence: **Bloomington, MN**  
Post Office Address: **4900 West 78th Street**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Tammy Ferris**

Full Name of joint inventor number 24 : **Adam Opoczynski**  
Citizenship: **United States of America** Residence: **Plano, TX**  
Post Office Address: **3705 Roxbury Lane**  
**Plano, TX 75025**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Adam Opoczynski**

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 25 : David S. Russell  
Citizenship: United States of America Residence: Minneapolis, MN  
Post Office Address: 5145 Luverne Avenue  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
David S. Russell

Full Name of joint inventor number 26 : Calvin G. Nelson  
Citizenship: United States of America Residence: Shorewood, MN  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Calvin G. Nelson

Full Name of joint inventor number 27 : Niranjan R. Samant  
Citizenship: United States of America Residence: Middletown, CT  
Post Office Address: 229 Ridgefield Drive  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Niranjan R. Samant

Full Name of joint inventor number 28 : Joseph F. Chiappetta  
Citizenship: United States of America Residence: Trumbull, CT  
Post Office Address: 6 Ranch Drive  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Joseph F. Chiappetta

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Full Name of joint inventor number 29 : **Scott Sarnikowski**

Citizenship: **United States of America**

Residence: **Plymouth, MN**

Post Office Address: **13235 57th Avenue North  
Plymouth, MN 55442**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
                    **Scott Sarnikowski**

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

# United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: COMMUNICATION SYSTEM WITH MULTICARRIER TELEPHONY TRANSPORT.

The specification of which was filed on June 28, 1996 as application serial no. 08/673,002 and was amended on September 24, 1996.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 10 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such applications have been filed.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

No such applications have been filed.

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

Application Number	Filing Date	Status
08/311,964	September 26, 1994	Allowed
08/457,317	June 1, 1995	Pending
08/457,295	June 1, 1995	Pending
08/650,408	May 20, 1996	Pending

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Embretson, Janet E.	Reg. No. 39,665	Lempia, Bryan J.	Reg. No. 39,746
Bianchi, Timothy E.	Reg. No. 39,610	Fogg, David N.	Reg. No. 35,138	Litman, Mark A.	Reg. No. 26,390
Billig, Patrick G.	Reg. No. 38,080	Forrest, Bradley A.	Reg. No. 30,837	Lundberg, Steven W.	Reg. No. 30,568
Billion, Richard E.	Reg. No. 32,836	Holloway, Sheryl S.	Reg. No. 37,850	Schwegman, Micheal L.	Reg. No. 25,816
Brennan, Thomas F.	Reg. No. 35,075	Kalinowski, Leonard J.	Reg. No. 24,207	Slifer, Russell D.	Reg. No. 39,838
Burke, John E.	Reg. No. 35,836	Klima-Silberg, Catherine I.	Reg. No. 40,052	Viksnins, Ann S.	Reg. No. 37,748
Clark, Barbara J.	Reg. No. 38,107	Kluth, Daniel J.	Reg. No. 32,146	Woessner, Warren D.	Reg. No. 30,440
Dryja, Michael A.	Reg. No. 39,662	Lemaire, Charles A.	Reg. No. 36,198		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402  
Telephone No. (612)339-0331

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1: **Mark J. Dapper**  
Citizenship: **United States of America** Residence: **Cincinnati, OH**  
Post Office Address: **6558 Baywood Lane**  
**Cincinnati, OH 45224**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Mark J. Dapper**

Full Name of joint inventor number 2: **Michael J. Geile**  
Citizenship: **United States of America** Residence: **Loveland, OH**  
Post Office Address: **316 Miami Valley Drive**  
**Loveland, OH 45140**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Michael J. Geile**

Full Name of joint inventor number 3: **Terrance J. Hill**  
Citizenship: **United States of America** Residence: **Fairfield, OH**  
Post Office Address: **1765 Garrett House Lane**  
**Fairfield, OH 45014**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Terrance J. Hill**

Full Name of joint inventor number 4: **Harold A. Roberts**  
Citizenship: **United States of America** Residence: **Eden Prairie, MN**  
Post Office Address: **7017 Beacon Circle**  
**Eden Prairie, MN 55346**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Harold A. Roberts**

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 5: **Brian D. Anderson**  
Citizenship: **United States of America** Residence: **Plymouth, MN**  
Post Office Address: **11430 - 50th Place North**  
**Plymouth, MN 55442**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Brian D. Anderson**

Full Name of joint inventor number 6: **Jeffrey Brede**  
Citizenship: **United States of America** Residence: **Eden Prairie, MN**  
Post Office Address: **8073 Curtis Lane**  
**Eden Prairie, MN 55347**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Jeffrey Brede**

Full Name of joint inventor number 7: **Mark S. Wadman**  
Citizenship: **United States of America** Residence: **Eden Prairie, MN**  
Post Office Address: **8956 Braxton Drive**  
**Eden Prairie, MN 55347**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Mark S. Wadman**

Full Name of joint inventor number 8: **Robert J. Kirscht**  
Citizenship: **United States of America** Residence: **Savage, MN**  
Post Office Address: **13106 Vernon Avenue South**  
**Savage, MN 55378**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Robert J. Kirscht**

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Citizenship: **United States of America** Residence: **Eagan, MN**  
Post Office Address: **1894 Sunrise Court**  
**Eagan, MN 55122**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**James J. Herrmann**

Full Name of joint inventor number 10 : **Michael J. Fort**  
Citizenship: **United States of America** Residence: **Eagan, MN**  
Post Office Address: **1045 Northview Park**  
**Eagan, MN 55123**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Michael J. Fort**

Full Name of joint inventor number 11 : **Steven P. Buska**  
Citizenship: **United States of America** Residence: **Minnetonka, MN**  
Post Office Address: **13370 Stanton Drive**  
**Minnetonka, MN 55305**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Steven P. Buska**

Full Name of joint inventor number 12 : **Jeff Solum**  
Citizenship: **United States of America** Residence: **Bloomington, MN**  
Post Office Address: **4900 West 78th Street**  
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Post Office Address: 464 Ridge Court  
Chaska, MN 55318

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Debra Lea Enfield

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Citizenship: United States of America Residence: Bloomington, MN  
Post Office Address: 4900 West 78th Street  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Darrell Berg

Full Name of joint inventor number 15: Thomas Smigelski  
Citizenship: United States of America Residence: Lake Zurich, IL  
Post Office Address: 230 Waterford Drive  
Lake Zurich, IL 60047

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Thomas Smigelski

Full Name of joint inventor number 16: Thomas C. Tucker  
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Post Office Address: 205 Silver Creek Trail  
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Citizenship: United States of America Residence: Bloomington, MN  
Post Office Address: 4900 West 78th Street  
Bloomington, MN 55435

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Joe Hall

Full Name of joint inventor number 18 : John M. Logajan  
Citizenship: United States of America Residence: Arden Hills, MN  
Post Office Address: 4248 Hamline Avenue  
Arden Hills, MN 55112

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
John M. Logajan

Full Name of joint inventor number 19 : Somvay Boualouang  
Citizenship: United States of America Residence: Bloomington, MN  
Post Office Address: 4900 West 78th Street  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Somvay Boualouang

Full Name of joint inventor number 20 : Heng Lou  
Citizenship: United States of America Residence: Bloomington, MN  
Post Office Address: 4900 West 78th Street  
Bloomington, MN 55435

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Heng Lou

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Citizenship: United States of America Residence: Elk River, MN  
Post Office Address: 16303 205th Avenue NW  
Elk River, MN 55330

Signature: \_\_\_\_\_

Mark D. Elpers

Date: \_\_\_\_\_

1/21/97

Full Name of joint inventor number 22 : Matt Downs  
Citizenship: United States of America Residence: Bloomington, MN  
Post Office Address: 4900 West 78th Street  
Bloomington, MN 55435

Signature: \_\_\_\_\_

Matt Downs

Date: \_\_\_\_\_

1-21-97

Full Name of joint inventor number 23 : Tammy Ferris  
Citizenship: United States of America Residence: Bloomington, MN  
Post Office Address: 4900 West 78th Street  
Bloomington, MN 55435

Signature: \_\_\_\_\_

Tammy Ferris

Date: \_\_\_\_\_

Full Name of joint inventor number 24 : Adam Opoczynski  
Citizenship: United States of America Residence: Plano, TX  
Post Office Address: 3705 Roxbury Lane  
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Adam Opoczynski

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Full Name of joint inventor number 21 : Mark D. Elpers  
Citizenship: United States of America  
Post Office Address: 16303 205th Avenue NW  
Elk River, MN 55330

Residence: Elk River, MN

Signature: 

Mark D. Elpers

Date: 1/21/97

Full Name of joint inventor number 22 : Matt Downs  
Citizenship: United States of America  
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Residence: Bloomington, MN

Signature: \_\_\_\_\_

Matt Downs

Date: \_\_\_\_\_

Full Name of joint inventor number 23 : Tammy Ferris  
Citizenship: United States of America  
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Residence: Bloomington, MN

Signature: 

Tammy Ferris

Date: 1-21-97

Full Name of joint inventor number 24 : Adam Opoczynski  
Citizenship: United States of America  
Post Office Address: 3705 Roxbury Lane  
Plano, TX 75025

Residence: Plano, TX

Signature: \_\_\_\_\_

Adam Opoczynski

Date: \_\_\_\_\_

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Citizenship: United States of America Residence: Minneapolis, MN  
Post Office Address: 5145 Luverne Avenue  
Minneapolis, MN 55419

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
David S. Russell

Full Name of joint inventor number 26: Calvin G. Nelson  
Citizenship: United States of America Residence: Shorewood, MN  
Post Office Address: 26190 Birch Bluff Road  
Shorewood, MN 55331

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Calvin G. Nelson

Full Name of joint inventor number 27: Niranjan R. Samant  
Citizenship: United States of America / N/A Residence: Middletown, CT  
Post Office Address: 229 Ridgefield Drive  
Middletown, CT 06547

Signature: \_\_\_\_\_ Date: 1/23/97  
Niranjan R. Samant

Full Name of joint inventor number 28: Joseph F. Chiappetta  
Citizenship: United States of America Residence: Trumbull, CT  
Post Office Address: 6 Ranch Drive  
Trumbull, CT 06611

Signature: \_\_\_\_\_ Date: 1/23/97  
Joseph F. Chiappetta

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Full Name of joint inventor number 29 : Scott Samikowski  
Citizenship: United States of America Residence: Plymouth, MN  
Post Office Address: 13235 57th Avenue North  
Plymouth, MN 55442

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Scott Samikowski

Full Name of inventor:  
Citizenship: Residence:  
Post Office Address:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of inventor:  
Citizenship: Residence:  
Post Office Address:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of inventor:  
Citizenship: Residence:  
Post Office Address:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

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(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

# United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: COMMUNICATION SYSTEM WITH MULTICARRIER TELEPHONY TRANSPORT.

The specification of which was filed on June 28, 1996 as application serial no. 08/673,002 and was amended on September 24, 1996.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 10 attached hereto).

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<u>Application Number</u>	<u>Filing Date</u>	<u>Status</u>
08/311,964	September 26, 1994	Allowed
08/457,317	June 1, 1995	Pending
08/457,295	June 1, 1995	Pending
08/650,408	May 20, 1996	Pending

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

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Telephone No. (612)339-0331

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Full Name of joint inventor number 1: **Mark J. Dapper**  
Citizenship: **United States of America** Residence: **Cincinnati, OH**  
Post Office Address: **6558 Baywood Lane**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Mark J. Dapper**

Full Name of joint inventor number 2: **Michael J. Geile**  
Citizenship: **United States of America** Residence: **Loveland, OH**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Michael J. Geile**

Full Name of joint inventor number 3: **Terrance J. Hill**  
Citizenship: **United States of America** Residence: **Fairfield, OH**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Terrance J. Hill**

Full Name of joint inventor number 4: **Harold A. Roberts**  
Citizenship: **United States of America** Residence: **Eden Prairie, MN**  
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**Eden Prairie, MN 55346**

Signature: *Harold A. Roberts* Date: 11/21/97  
**Harold A. Roberts**

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 5: **Brian D. Anderson**

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Signature: 

Brian D. Anderson

Date: 1/24/97

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Citizenship: **United States of America**

Residence: **Eden Prairie, MN**

Post Office Address: **8073 Curtis Lane  
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Signature: 

Jeffrey Brede

Date: 1/22/97

Full Name of joint inventor number 7: **Mark S. Wadman**

Citizenship: **United States of America**

Residence: **Eden Prairie, MN**

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Signature: \_\_\_\_\_

Mark S. Wadman

Date: \_\_\_\_\_

Full Name of joint inventor number 8: **Robert J. Kirscht**

Citizenship: **United States of America**

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Signature: 

Robert J. Kirscht

Date: 1-21-97

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Full Name of joint inventor number 9: **James J. Herrmann**

Citizenship: **United States of America**

Residence: **Eagan, MN**

Post Office Address: **1894 Sunrise Court  
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Signature: 

**James J. Herrmann**

Date: 1/23/97

Full Name of joint inventor number 10: **Michael J. Fort**

Citizenship: **United States of America**

Residence: **Eagan, MN**

Post Office Address: **1045 Northview Park  
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Signature: 

**Michael J. Fort**

Date: 1/22/97

Full Name of joint inventor number 11: **Steven P. Buska**

Citizenship: **United States of America**

Residence: **Minnetonka, MN**

Post Office Address: **13370 Stanton Drive  
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Signature: 

**Steven P. Buska**

Date: 1/22/97

Full Name of joint inventor number 12: **Jeff Solum**

Citizenship: **United States of America**

Residence: **Bloomington, MN**

Post Office Address: **4900 West 78th Street  
Bloomington, MN 55435**

Signature: 

**Jeff Solum**

Date: 1/20 1/21/97

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Full Name of joint inventor number 13 : **Debra Lea Enfield**  
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Post Office Address: **464 Ridge Court**  
**Chaska, MN 55318**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Debra Lea Enfield**

Full Name of joint inventor number 14 : **Darrell Berg**  
Citizenship: **United States of America** Residence: **Bloomington, MN**  
Post Office Address: **4900 West 78th Street**  
**Bloomington, MN 55435**

Signature: *Darrell E. Berg* Date: 1/12/97  
**Darrell Berg**

Full Name of joint inventor number 15 : **Thomas Smigelski**  
Citizenship: **United States of America** Residence: **Lake Zurich, IL**  
Post Office Address: **230 Waterford Drive**  
**Lake Zurich, IL 60047**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Thomas Smigelski**

Full Name of joint inventor number 16 : **Thomas C. Tucker**  
Citizenship: **United States of America** Residence: **Chapel Hill, NC**  
Post Office Address: **205 Silver Creek Trail**  
**Chapel Hill, NC 27514**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Thomas C. Tucker**

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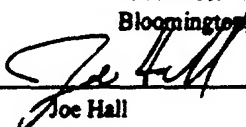
Full Name of joint inventor number 17: Joe Hall

Citizenship: United States of America

Residence: Bloomington, MN

Post Office Address: 4900 West 78th Street  
Bloomington, MN 55435

Signature: \_\_\_\_\_

  
Joe Hall

Date: \_\_\_\_\_

1/21/97

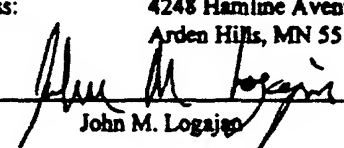
Full Name of joint inventor number 18: John M. Logajan

Citizenship: United States of America

Residence: Arden Hills, MN

Post Office Address: 4248 Hamline Avenue  
Arden Hills, MN 55112

Signature: \_\_\_\_\_

  
John M. Logajan

Date: \_\_\_\_\_

1/21/97

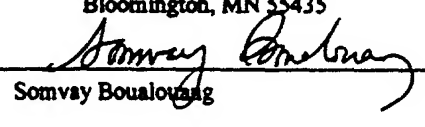
Full Name of joint inventor number 19: Somvay Boualouang

Citizenship: United States of America

Residence: Bloomington, MN

Post Office Address: 4900 West 78th Street  
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Signature: \_\_\_\_\_

  
Somvay Boualouang

Date: \_\_\_\_\_

1/21/97

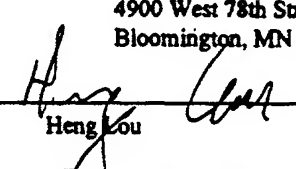
Full Name of joint inventor number 20: Heng Lou

Citizenship: United States of America

Residence: Bloomington, MN

Post Office Address: 4900 West 78th Street  
Bloomington, MN 55435

Signature: \_\_\_\_\_

  
Heng Lou

Date: \_\_\_\_\_

1/22/97

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Full Name of joint inventor number 21 : Mark D. Elpers  
Citizenship: United States of America Residence: Elk River, MN  
Post Office Address: 16303 205th Avenue NW  
Elk River, MN 55330

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Mark D. Elpers

Full Name of joint inventor number 22 : Matt Downs  
Citizenship: United States of America Residence: Bloomington, MN  
Post Office Address: 4900 West 78th Street  
Bloomington, MN 55435

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Matt Downs

Full Name of joint inventor number 23 : Tammy Ferris  
Citizenship: United States of America Residence: Bloomington, MN  
Post Office Address: 4900 West 78th Street  
Bloomington, MN 55435

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Tammy Ferris

Full Name of joint inventor number 24 : Adam Opoczynski  
Citizenship: United States of America Residence: Plano, TX  
Post Office Address: 3705 Roxbury Lane  
Plano, TX 75025

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Adam Opoczynski

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Full Name of joint inventor number 25 : David S. Russell  
Citizenship: United States of America  
Post Office Address: 5145 Luverne Avenue  
Minneapolis, MN 55419

Residence: Minneapolis, MN

Signature: \_\_\_\_\_

David S. Russell

Date: \_\_\_\_\_

January 22, 1997

Full Name of joint inventor number 26 : Calvin G. Nelson  
Citizenship: United States of America  
Post Office Address: 26190 Birch Bluff Road  
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Residence: Shorewood, MN

Signature: \_\_\_\_\_

Calvin G. Nelson

Date: \_\_\_\_\_

Full Name of joint inventor number 27 : Niranjan R. Samant  
Citizenship: United States of America  
Post Office Address: 229 Ridgefield Drive  
Middletown, CT 06547

Residence: Middletown, CT

Signature: \_\_\_\_\_

Niranjan R. Samant

Date: \_\_\_\_\_

Full Name of joint inventor number 28 : Joseph F. Chiappetta  
Citizenship: United States of America  
Post Office Address: 6 Ranch Drive  
Trumbull, CT 06611

Residence: Trumbull, CT

Signature: \_\_\_\_\_

Joseph F. Chiappetta

Date: \_\_\_\_\_

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Full Name of joint inventor number 29 : Scott Sarnikowski  
Citizenship: United States of America Residence: Plymouth, MN  
Post Office Address: 13235 57th Avenue North  
Plymouth, MN 55442

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Scott Sarnikowski

Full Name of inventor:  
Citizenship: \_\_\_\_\_ Residence: \_\_\_\_\_  
Post Office Address: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of inventor:  
Citizenship: \_\_\_\_\_ Residence: \_\_\_\_\_  
Post Office Address: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of inventor:  
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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

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Billion, Richard E.	Reg. No. 32,836	Holloway, Sheryl S.	Reg. No. 37,850	Schwegman, Michael L.	Reg. No. 25,816
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Dryja, Michael A.	Reg. No. 39,662	Lemaire, Charles A.	Reg. No. 36,198		

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Citizenship: **United States of America** Residence: **Loveland, OH**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Michael J. Geile**

Full Name of joint inventor number 3 : **Terrance J. Hill**  
Citizenship: **United States of America** Residence: **Fairfield, OH**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Terrance J. Hill**

Full Name of joint inventor number 4 : **Harold A. Roberts**  
Citizenship: **United States of America** Residence: **Eden Prairie, MN**  
Post Office Address: **7017 Beacon Circle**  
**Eden Prairie, MN 55346**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Harold A. Roberts**

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 5 : **Brian D. Anderson**  
Citizenship: **United States of America** Residence: **Plymouth, MN**  
Post Office Address: **11430 - 50th Place North**  
**Plymouth, MN 55442**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Brian D. Anderson**

Full Name of joint inventor number 6 : **Jeffrey Brede**  
Citizenship: **United States of America** Residence: **Eden Prairie, MN**  
Post Office Address: **8073 Curtis Lane**  
**Eden Prairie, MN 55347**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Jeffrey Brede**

Full Name of joint inventor number 7 : **Mark S. Wadman**  
Citizenship: **United States of America** Residence: **Eden Prairie, MN**  
Post Office Address: **8956 Braxton Drive**  
**Eden Prairie, MN 55347**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Mark S. Wadman**

Full Name of joint inventor number 8 : **Robert J. Kirscht**  
Citizenship: **United States of America** Residence: **Savage, MN**  
Post Office Address: **13106 Vernon Avenue South**  
**Savage, MN 55378**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Robert J. Kirscht**

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Full Name of joint inventor number 9 : **James J. Herrmann**  
Citizenship: **United States of America** Residence: **Eagan, MN**  
Post Office Address: **1894 Sunrise Court**  
**Eagan, MN 55122**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**James J. Herrmann**

Full Name of joint inventor number 10 : **Michael J. Fort**  
Citizenship: **United States of America** Residence: **Eagan, MN**  
Post Office Address: **1045 Northview Park**  
**Eagan, MN 55123**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Michael J. Fort**

Full Name of joint inventor number 11 : **Steven P. Buska**  
Citizenship: **United States of America** Residence: **Minnetonka, MN**  
Post Office Address: **13370 Stanton Drive**  
**Minnetonka, MN 55305**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Steven P. Buska**

Full Name of joint inventor number 12 : **Jeff Solum**  
Citizenship: **United States of America** Residence: **Bloomington, MN**  
Post Office Address: **4900 West 78th Street**  
**Bloomington, MN 55435**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Jeff Solum**

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Our Ref. 500.623(181)  
Serial No. 08/673,002  
Filing Date: June 28, 1996

Page 5 of 10

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Full Name of joint inventor number 13: Debra Lea Enfield  
Citizenship: United States of America Residence: Chaska, MN  
Post Office Address: 464 Ridge Court  
Chaska, MN 55318

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Debra Lea Enfield

Full Name of joint inventor number 14: Darrell Berg  
Citizenship: United States of America Residence: Bloomington, MN  
Post Office Address: 4900 West 78th Street  
Bloomington, MN 55435

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Darrell Berg

Full Name of joint inventor number 15: Thomas Smigelski  
Citizenship: United States of America Residence: Lake Zurich, IL  
Post Office Address: 230 Waterford Drive  
Lake Zurich, IL 60047

Signature: Thomas Smigelski Date: 1/29/96  
Thomas Smigelski

Full Name of joint inventor number 16: Thomas C. Tucker  
Citizenship: United States of America Residence: Chapel Hill, NC  
Post Office Address: 205 Silver Creek Trail  
Chapel Hill, NC 27514

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Thomas C. Tucker

X Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 17 : Joe Hall  
Citizenship: United States of America Residence: Bloomington, MN  
Post Office Address: 4900 West 78th Street  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Joe Hall

Full Name of joint inventor number 18 : John M. Logajan  
Citizenship: United States of America Residence: Arden Hills, MN  
Post Office Address: 4248 Hamline Avenue  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
John M. Logajan

Full Name of joint inventor number 19 : Somvay Boualouang  
Citizenship: United States of America Residence: Bloomington, MN  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Somvay Boualouang

Full Name of joint inventor number 20 : Heng Lou  
Citizenship: United States of America Residence: Bloomington, MN  
Post Office Address: 4900 West 78th Street  
Bloomington, MN 55435

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Heng Lou

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Full Name of joint inventor number 21 : Mark D. Elpers  
Citizenship: United States of America Residence: Elk River, MN  
Post Office Address: 16303 205th Avenue NW  
Elk River, MN 55330

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Mark D. Elpers

Full Name of joint inventor number 22 : Matt Downs  
Citizenship: United States of America Residence: Bloomington, MN  
Post Office Address: 4900 West 78th Street  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Matt Downs

Full Name of joint inventor number 23 : Tammy Ferris  
Citizenship: United States of America Residence: Bloomington, MN  
Post Office Address: 4900 West 78th Street  
Bloomington, MN 55435

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Tammy Ferris

Full Name of joint inventor number 24 : Adam Opoczynski  
Citizenship: United States of America Residence: Plano, TX  
Post Office Address: 3705 Roxbury Lane  
Plano, TX 75025

Signature:  Date: Jan. 24, 1997  
Adam Opoczynski

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 25 : **David S. Russell**  
Citizenship: **United States of America** Residence: **Minneapolis, MN**  
Post Office Address: **5145 Luverne Avenue**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**David S. Russell**

Full Name of joint inventor number 26 : **Calvin G. Nelson**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Calvin G. Nelson**

Full Name of joint inventor number 27 : **Niranjan R. Samant**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Niranjan R. Samant**

Full Name of joint inventor number 28 : **Joseph F. Chiappetta**  
Citizenship: **United States of America** Residence: **Trumbull, CT**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Joseph F. Chiappetta**

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 29 : Scott Sarnikowski

Citizenship: United States of America

Residence: Plymouth, MN

Post Office Address: 13235 57th Avenue North  
Plymouth, MN 55442

Signature: \_\_\_\_\_

Scott Sarnikowski

Date: \_\_\_\_\_

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

## United States Patent Application

### COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **COMMUNICATION SYSTEM WITH MULTICARRIER TELEPHONY TRANSPORT**.

The specification of which was filed on June 28, 1996 as application serial no. 08/673,002 and was amended on September 24, 1996.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 10 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

**No such applications have been filed.**

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

**No such applications have been filed.**

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

<u>Application Number</u>	<u>Filing Date</u>	<u>Status</u>
08/311,964	September 26, 1994	Allowed
08/457,317	June 1, 1995	Pending
08/457,295	June 1, 1995	Pending
08/650,408	May 20, 1996	Pending

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Embreton, Janet E.	Reg. No. 39,665	Lempia, Bryan J.	Reg. No. 39,746
Bianchi, Timothy E.	Reg. No. 39,610	Fogg, David N.	Reg. No. 35,138	Litman, Mark A.	Reg. No. 26,390
Billig, Patrick G.	Reg. No. 38,080	Forrest, Bradley A.	Reg. No. 30,837	Lundberg, Steven W.	Reg. No. 30,568
Billion, Richard E.	Reg. No. 32,836	Holloway, Sheryl S.	Reg. No. 37,850	Schwegman, Micheal L.	Reg. No. 25,816
Brennan, Thomas F.	Reg. No. 35,075	Kalinowski, Leonard J.	Reg. No. 24,207	Slifer, Russell D.	Reg. No. 39,838
Burke, John E.	Reg. No. 35,836	Klima-Silberg, Catherine I.	Reg. No. 40,052	Viksins, Ann S.	Reg. No. 37,748
Clark, Barbara J.	Reg. No. 38,107	Kluth, Daniel J.	Reg. No. 32,146	Woessner, Warren D.	Reg. No. 30,440
Dryja, Michael A.	Reg. No. 39,662	Lemaire, Charles A.	Reg. No. 36,198		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402

Telephone No. (612)339-0331

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : **Mark J. Dapper**  
Citizenship: **United States of America** Residence: **Cincinnati, OH**  
Post Office Address: **6558 Baywood Lane**  
**Cincinnati, OH 45224**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Mark J. Dapper**

Full Name of joint inventor number 2 : **Michael J. Geile**  
Citizenship: **United States of America** Residence: **Loveland, OH**  
Post Office Address: **316 Miami Valley Drive**  
**Loveland, OH 45140**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Michael J. Geile**

Full Name of joint inventor number 3 : **Terrance J. Hill**  
Citizenship: **United States of America** Residence: **Fairfield, OH**  
Post Office Address: **1765 Garrett House Lane**  
**Fairfield, OH 45014**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Terrance J. Hill**

Full Name of joint inventor number 4 : **Harold A. Roberts**  
Citizenship: **United States of America** Residence: **Eden Prairie, MN**  
Post Office Address: **7017 Beacon Circle**  
**Eden Prairie, MN 55346**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Harold A. Roberts**

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Citizenship: United States of America

Residence: Plymouth, MN

Post Office Address: 11430 - 50th Place North  
Plymouth, MN 55442

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Brian D. Anderson

Full Name of joint inventor number 6 : Jeffrey Brede

Citizenship: United States of America

Residence: Eden Prairie, MN

Post Office Address: 8073 Curtis Lane  
Eden Prairie, MN 55347

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Jeffrey Brede

Full Name of joint inventor number 7 : Mark S. Wadman

Citizenship: United States of America

Residence: Eden Prairie, MN

Post Office Address: 8956 Braxton Drive  
Eden Prairie, MN 55347

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Mark S. Wadman

Full Name of joint inventor number 8 : Robert J. Kirscht

Citizenship: United States of America

Residence: Savage, MN

Post Office Address: 13106 Vernon Avenue South  
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Robert J. Kirscht

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Citizenship: **United States of America**

Residence: **Eagan, MN**

Post Office Address: **1894 Sunrise Court  
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Signature: \_\_\_\_\_  
James J. Herrmann

Date: \_\_\_\_\_

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Citizenship: **United States of America**

Residence: **Eagan, MN**

Post Office Address: **1045 Northview Park  
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Signature: \_\_\_\_\_  
Michael J. Fort

Date: \_\_\_\_\_

Full Name of joint inventor number 11 : **Steven P. Buska**

Citizenship: **United States of America**

Residence: **Minnetonka, MN**

Post Office Address: **13370 Stanton Drive  
Minnetonka, MN 55305**

Signature: \_\_\_\_\_  
Steven P. Buska

Date: \_\_\_\_\_

Full Name of joint inventor number 12 : **Jeff Solum**

Citizenship: **United States of America**

Residence: **Bloomington, MN**

Post Office Address: **4900 West 78th Street  
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Signature: \_\_\_\_\_  
Jeff Solum

Date: \_\_\_\_\_

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Citizenship: **United States of America**

Residence: **Chaska, MN**

Post Office Address: **464 Ridge Court  
Chaska, MN 55318**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Debra Lea Enfield**

Full Name of joint inventor number 14 : **Darrell Berg**

Citizenship: **United States of America**

Residence: **Bloomington, MN**

Post Office Address: **4900 West 78th Street  
Bloomington, MN 55435**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Darrell Berg**

Full Name of joint inventor number 15 : **Thomas Smigelski**

Citizenship: **United States of America**

Residence: **Lake Zurich, IL**

Post Office Address: **230 Waterford Drive  
Lake Zurich, IL 60047**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Thomas Smigelski**

Full Name of joint inventor number 16 : **Thomas C. Tucker**

Citizenship: **United States of America**

Residence: **Chapel Hill, NC**

Post Office Address: **205 Silver Creek Trail  
Chapel Hill, NC 27514**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Thomas C. Tucker**

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Full Name of joint inventor number 17 : **Joe Hall**

Citizenship: **United States of America**

Residence: **Bloomington, MN**

Post Office Address: **4900 West 78th Street  
Bloomington, MN 55435**

Signature: \_\_\_\_\_  
Joe Hall

Date: \_\_\_\_\_

Full Name of joint inventor number 18 : **John M. Logajan**

Citizenship: **United States of America**

Residence: **Arden Hills, MN**

Post Office Address: **4248 Hamline Avenue  
Arden Hills, MN 55112**

Signature: \_\_\_\_\_  
John M. Logajan

Date: \_\_\_\_\_

Full Name of joint inventor number 19 : **Somvay Boualouang**

Citizenship: **United States of America**

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Post Office Address: **4900 West 78th Street  
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Signature: \_\_\_\_\_  
Somvay Boualouang

Date: \_\_\_\_\_

Full Name of joint inventor number 20 : **Heng Lou**

Citizenship: **United States of America**

Residence: **Bloomington, MN**

Post Office Address: **4900 West 78th Street  
Bloomington, MN 55435**

Signature: \_\_\_\_\_  
Heng Lou

Date: \_\_\_\_\_

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Full Name of joint inventor number 21 : **Mark D. Elpers**  
Citizenship: **United States of America**  
Post Office Address: **16303 205th Avenue NW  
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Residence: **Elk River, MN**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Mark D. Elpers

Full Name of joint inventor number 22 : **Matt Downs**  
Citizenship: **United States of America**  
Post Office Address: **4900 West 78th Street  
Bloomington, MN 55435**

Residence: **Bloomington, MN**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Matt Downs

Full Name of joint inventor number 23 : **Tammy Ferris**  
Citizenship: **United States of America**  
Post Office Address: **4900 West 78th Street  
Bloomington, MN 55435**

Residence: **Bloomington, MN**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Tammy Ferris

Full Name of joint inventor number 24 : **Adam Opoczynski**  
Citizenship: **United States of America**  
Post Office Address: **3705 Roxbury Lane  
Plano, TX 75025**

Residence: **Plano, TX**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Adam Opoczynski

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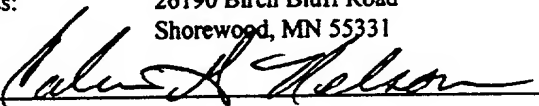
Full Name of joint inventor number 25 : David S. Russell  
Citizenship: United States of America  
Post Office Address: 5145 Luverne Avenue  
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Residence: Minneapolis, MN

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
David S. Russell

Full Name of joint inventor number 26 : Calvin G. Nelson  
Citizenship: United States of America  
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Residence: Shorewood, MN

Signature:  Date: May 20, 1997  
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Full Name of joint inventor number 27 : Niranjan R. Samant  
Citizenship: United States of America  
Post Office Address: 229 Ridgefield Drive  
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Residence: Middletown, CT

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Niranjan R. Samant

Full Name of joint inventor number 28 : Joseph F. Chiappetta  
Citizenship: United States of America  
Post Office Address: 6 Ranch Drive  
Trumbull, CT 06611

Residence: Trumbull, CT

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Joseph F. Chiappetta

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 29 : **Scott Sarnikowski**

Citizenship: **United States of America**

Residence: **Plymouth, MN**

Post Office Address: **13235 57th Avenue North  
Plymouth, MN 55442**

Signature: \_\_\_\_\_

**Scott Sarnikowski**

Date: \_\_\_\_\_

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
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(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

## United States Patent Application

### COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: COMMUNICATION SYSTEM WITH MULTICARRIER TELEPHONY TRANSPORT.

The specification of which was filed on June 28, 1996 as application serial no. 08/673,002 and was amended on September 24, 1996.

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**No such applications have been filed.**

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<u>Application Number</u>	<u>Filing Date</u>	<u>Status</u>
08/311,964	September 26, 1994	Allowed
08/457,317	June 1, 1995	Pending
08/457,295	June 1, 1995	Pending
08/650,408	May 20, 1996	Pending

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P.O. Box 2938, Minneapolis, MN 55402  
Telephone No. (612)339-0331

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Full Name of joint inventor number 1 : **Mark J. Dapper**  
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**Michael J. Geile**

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Citizenship: **United States of America** Residence: **Fairfield, OH**  
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**Terrance J. Hill**

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Harold A. Roberts**

☒ Additional inventors are being named on separately numbered sheets, attached hereto.



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Brian D. Anderson

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Signature: \_\_\_\_\_  
Jeffrey Brede

Date: \_\_\_\_\_

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Mark S. Wadman

Date: \_\_\_\_\_

Full Name of joint inventor number 8 : **Robert J. Kirscht**

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Signature: \_\_\_\_\_  
Robert J. Kirscht

Date: \_\_\_\_\_

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Full Name of joint inventor number 9 : **James J. Herrmann**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**James J. Herrmann**

Full Name of joint inventor number 10 : **Michael J. Fort**  
Citizenship: **United States of America** Residence: **Eagan, MN**  
Post Office Address: **1045 Northview Park**  
**Eagan, MN 55123**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Michael J. Fort**

Full Name of joint inventor number 11 : **Steven P. Buska**  
Citizenship: **United States of America** Residence: **Minnetonka, MN**  
Post Office Address: **13370 Stanton Drive**  
**Minnetonka, MN 55305**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Steven P. Buska**

Full Name of joint inventor number 12 : **Jeff Solum**  
Citizenship: **United States of America** Residence: **Bloomington, MN**  
Post Office Address: **4900 West 78th Street**  
**Bloomington, MN 55435**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Jeff Solum**

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Full Name of joint inventor number 13 : - **Debra Lea Enfield**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Debra Lea Enfield

Full Name of joint inventor number 14 : **Darrell Berg**  
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Darrell Berg

Full Name of joint inventor number 15 : **Thomas Smigelski**  
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Post Office Address: **230 Waterford Drive**  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Thomas Smigelski

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**Chapel Hill, NC 27514**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Thomas C. Tucker

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Full Name of joint inventor number 17 : **Joe Hall**

Citizenship: **United States of America**

Residence: **Bloomington, MN**

Post Office Address: **4900 West 78th Street  
Bloomington, MN 55435**

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Date: \_\_\_\_\_

Joe Hall

Full Name of joint inventor number 18 : **John M. Logajan**

Citizenship: **United States of America**

Residence: **Arden Hills, MN**

Post Office Address: **4248 Hamline Avenue  
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Citizenship: **United States of America**

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Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Somvay Boualouang

Full Name of joint inventor number 20 : **Heng Lou**

Citizenship: **United States of America**

Residence: **Bloomington, MN**

Post Office Address: **4900 West 78th Street  
Bloomington, MN 55435**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Heng Lou

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Full Name of joint inventor number 21 : **Mark D. Elpers**  
Citizenship: **United States of America** Residence: **Elk River, MN**  
Post Office Address: **16303 205th Avenue NW**  
**Elk River, MN 55330**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Mark D. Elpers

Full Name of joint inventor number 22 : **Matt Downs**  
Citizenship: **United States of America** Residence: **Bloomington, MN**  
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Matt Downs

Full Name of joint inventor number 23 : **Tammy Ferris**  
Citizenship: **United States of America** Residence: **Bloomington, MN**  
Post Office Address: **4900 West 78th Street**  
**Bloomington, MN 55435**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Tammy Ferris

Full Name of joint inventor number 24 : **Adam Opoczynski**  
Citizenship: **United States of America** Residence: **Plano, TX**  
Post Office Address: **3705 Roxbury Lane**  
**Plano, TX 75025**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Adam Opoczynski

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Full Name of joint inventor number 25 : David S. Russell

Citizenship: United States of America

Residence: Minneapolis, MN

Post Office Address: 5145 Luverne Avenue  
Minneapolis, MN 55419

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

David S. Russell

Full Name of joint inventor number 26 : Calvin G. Nelson

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Post Office Address: 13235 57th Avenue North

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Residence: Plymouth, MN

SAN JOSE, CA XX  
5347 SILVER POINT WAY XX  
SAN JOSE, CA 95138 XX

Signature: 

Scott Sarnikowski

Date: 5/22/97

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Full Name of inventor:

Citizenship:

Residence:

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Billig, Patrick G.	Reg. No. 38,080	Forrest, Bradley A.	Reg. No. 30,837	Lundberg, Steven W.	Reg. No. 30,568
Billion, Richard E.	Reg. No. 32,836	Holloway, Sheryl S.	Reg. No. 37,850	Schwegman, Micheal L.	Reg. No. 25,816
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Clark, Barbara J.	Reg. No. 38,107	Kluth, Daniel J.	Reg. No. 32,146	Woessner, Warren D.	Reg. No. 30,440
Dryja, Michael A.	Reg. No. 39,662	Lemaire, Charles A.	Reg. No. 36,198		

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Full Name of joint inventor number 1 : Mark J. Dapper  
Citizenship: United States of America Residence: Cincinnati, OH  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
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Harold A. Roberts

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Scott Sarnikowski

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Citizenship: Residence:  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full Name of inventor:  
Citizenship: Residence:  
Post Office Address:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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Post Office Address:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.